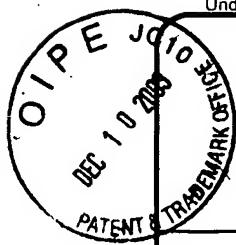


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

Complete if Known

Application Number	10/613,590
Filing Date	30 Jun 03
First Named Inventor	Alex. Goen SZYNALSKI
Examiner Name	
Group Art Unit	3626
Attorney Docket No.	A. Goen Seminars

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number

Deposit Account Name

Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

Applicant claims small entity status. See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Large Entity Fee (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205	65 Surcharge - late filing fee or oath	0.00
127	50	227	25 Surcharge - late provisional filing fee or cover sheet	0.00
139	130	139	130 Non-English specification	0.00
147	2,520	147	2,520 For filing a request for ex parte reexamination	0.00
112	920*	112	920* Requesting publication of SIR prior to Examiner action	0.00
113	1,840*	113	1,840* Requesting publication of SIR after Examiner action	0.00
115	110	215	55 Extension for reply within first month	0.00
116	400	216	200 Extension for reply within second month	0.00
117	920	217	460 Extension for reply within third month	0.00
118	1,440	218	720 Extension for reply within fourth month	0.00
128	1,960	228	980 Extension for reply within fifth month	0.00
119	320	219	160 Notice of Appeal	0.00
120	320	220	160 Filing a brief in support of an appeal	0.00
121	280	221	140 Request for oral hearing	0.00
138	1,510	138	1,510 Petition to institute a public use proceeding	0.00
140	110	240	55 Petition to revive - unavoidable	0.00
141	1,280	241	640 Petition to revive - unintentional	0.00
142	1,280	242	640 Utility issue fee (or reissue)	0.00
143	460	243	230 Design issue fee	0.00
144	620	244	310 Plant issue fee	0.00
122	130	122	130 Petitions to the Commissioner	130.00
123	50	123	50 Processing fee under 37 CFR 1.17(q)	0.00
126	180	126	180 Submission of Information Disclosure Stmt	0.00
581	40	581	40 Recording each patent assignment per property (times number of properties)	0.00
146	740	246	370 Filing a submission after final rejection (37 CFR § 1.129(a))	0.00
149	740	249	370 For each additional invention to be examined (37 CFR § 1.129(b))	0.00
179	740	279	370 Request for Continued Examination (RCE)	0.00
169	900	169	900 Request for expedited examination of a design application	0.00
Other fee (specify) <u>Terminal Disclaimer</u>				0.00

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	740	201	370 Utility filing fee
106	330	206	165 Design filing fee
107	510	207	255 Plant filing fee
108	740	208	370 Reissue filing fee
114	160	214	80 Provisional filing fee
SUBTOTAL (1) (\$ 0.00)			

2. EXTRA CLAIM FEES

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
0	-20** =	0	0	9.00	0.00
6	- 3** =	0	0	42.00	0.00
					0.00

Large Entity Small Entity

Fee Code (\$)	Large Entity Fee (\$)	Small Entity Fee Code (\$)	Fee Description
103	18	203	9 Claims in excess of 20
102	84	202	42 Independent claims in excess of 3
104	280	204	140 Multiple dependent claim, if not paid
109	84	209	42 ** Reissue independent claims over original patent
110	18	210	9 ** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$ 0.00)			

**or number previously paid, if greater; For Reissues, see above

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Mark POHL	Registration No. (Attorney/Agent)	35,325	Telephone	(973) 984-0076
Signature				Date	26 Nov 03

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Alex. G. SZYNALSKI
Serial No. : 10/613,590
Filing Date : 30 June 2003
Title : *Stop Smoking Methods & Compos'ns*
Group Art : 3626
Examiner :

Hon. Commissioner of Patents and Trademarks
Post Office Box 1430
Mail Stop - Reissue / Litigation
Alexandria, VA 22313-1430
BY EXPRESS MAIL

10

PETITION UNDER Rule 182

The captioned Reissue Application is subject to infringement litigation which has been stayed pending action by the Patent Office.

STATEMENT OF FACTS

1. The Office issued Letters Patent No. 6,431,874 on 15 August 2002.
2. The patent owner notified the accused infringer of the patent and, failing to receive a satisfactory response, instituted infringement litigation in Federal court in New Jersey.

3. The accused infringer responded by identifying a substantial volume of prior and subsequent art which, according to the infringer, invalidates the issued patent.

5 4. The patent owner reviewed this material and believes it does not invalidate the patent; to the contrary, much of it **supports** the patent's inventiveness.

5 5. The patent owner and the Court would, however, like to solicit the Patent Office's independent expertise in reviewing this material.

10 6. Accordingly, the patent owner filed the captioned reissue application on 30 June 2003.

7. The patent owner contemporaneously filed reexamination application Serial No. 90/006,704.

15 8. For its part, the Court stayed the litigation, pending action by the Patent Office.

9. The Reissue Application was published in the Official Gazette on 21 October 2003.

10 10. On 4 Nov. 2003, the accused infringer demanded by email that the patent owner waive the public notice period. In his email, the accused infringer represented that he had months earlier already filed whatever Protest he deemed necessary, so the two-month waiting period would be warranted. Further, the accused infringer demanded waiver "IMMEDIATELY" and "ASAP." See M. CORNMAN, Email to M. POHL (4 Nov. 03) at ¶ 2 ("we urge you to take this step ASAP. Please let us know by return whether you will 'waive' the protest period(in fact, we have already [sic] protested and the USPTO has acted 'favorably'.")

25

11. The patent owner did not want to be accused of wrongfully cutting off the infringer's opportunity to protest. The patent owner thus asked the infringer for

30

written consent to waive the waiting period. See M. POHL, Letter to M. CORNMAN (11 Nov. 03) (copy enclosed)

12. In response, the accused infringer returned its consent to the waiver to me. See M. CORNMAN, Letter to M. POHL (13 Nov. 03).

5 13. Interestingly, the accused infringer filed a Protest in the Patent Office on 13 Nov. 03. See M. CORNMAN, Protest Under 37 C.F.R. 1.291(a) (13 Nov. 2003) (cover letter enclosed). I thus question the motive behind his 4 Nov. 03 representation that he had "already protested" [sic] and demand that I request a waiver "IMMEDIATELY" and "ASAP."

10 13. The Federal Court having stayed litigation pending Patent Office action, and the accused infringer having consented in writing to waive the two-month waiting period, it appears appropriate that the Patent Office waive the two-month waiting period and act on the application immediately.

POINT TO BE REVIEWED

20 Whether the two-month waiting period under M.P.E.P. § 1441 may be waived?

ACTION REQUESTED

25 Applicant respectfully requests that the two-month waiting period under M.P.E.P. § 1441 be waived and the Reissue Application be immediately forwarded, together with co-pending Reexamination Application Serial No. 90/006,704, to the Office of Legal Administration for merger analysis.

Albert M. FLEISCHNER, Ph.D.
S.N. 09/832,213
Filed 11 April 2001

ENCLOSURES

The exhibits discussed and the appropriate petition fee
are enclosed.

Respectfully submitted,

5


Mark POHL Esq., Reg. No. 35,325
Pharmaceutical Patent Attorneys, LLC
55 Madison Avenue, 4th fl.
Attention : Mark POHL (P 4014)
Morristown, NJ 07960-6397
26 November 2003

10

15

Direct  (973) 984-0076
Mark.Pohl@LicensingLaw.Net

20

mbc:mp

X:\pohlm\AAOffice\petition



FILE COPY

-----Original Message-----

From: Michael A. Cornman
Sent: Tuesday, November 04, 2003 9:54 AM
To: 'Mark Pohl, Reg. Patent Attorney'
Cc: 'Weingram (E-mail)'; 'Bob Rohrberger (E-mail)'
Subject: RE: Certificate of Correction US Patent 6,431,874; Reissue
Waiver 2 month protest period

FILE COPY

Dear Mr. Pohl;

1. The USPTO procedure with regard to Certificates of Correction is quite simple and straightforward. It is set out in 37 CFR Secs.1.322 et seq. and deals with "a mistake clearly disclosed in the records of the Office". One of the 3 ways of initiating the issuance of such a Certificate, "acting on information supplied by a third party", is the motivating force in the present case. The third party here is NOT us; rather it was the Oblon firm whose actual request was NOT retained by the Office pursuant to Sec 1.322(2)(ii). The Certificate ,if indeed one is to be issued, will be sent directly to patentee or the attorney for the patentee who was "afforded an opportunity to be heard". The only Petition on file is the one you filed; you , rather than us ,should receive the decision by today or tomorrow at the latest since it was mailed on Oct 29. You are the ONLY attorney of record in all the proceedings. It is you and it is Mr. Syznalski and it his other attorneys, including Fox & Fox and Stephans, who are under an "uncompromising duty of candor" to the USPTO imposed by Rule 56.

2. It now appears that the "reissue/reexam" proceedings will be delayed as a result of this latest Certificate of Correction action,especially since the claims to be "reissued" and/or "reexamined" are NOT the claims you submitted with your requests(the mis-printed rather than allowed claims). Nevertheless,you/Goen can expedite the examination of the reissue (whether or not it is "merged" with the reexam) by simply waiving the 2 month "protest period" which began 10/21/03 and ends 12/21/03;see MPEP 1441. We note that patentees whose patents are subject to reissue exam in stayed litigation, avail themselves of such a "waiver" so as to get the reissue examined IMMEDIATELY and with "special dispatch". Accordingly, we urge you to take this step ASAP. Please let us know by return whether you will "waive" the protest period(in fact, we have already protested and the USPTO has acted "favorably":)

3. We have,during the actual typing of this letter, received the "Decision Dismissing Petition" ,ADDRESSED AND MAILED TO YOU, as a result of a request to the USPTO. I have forwarded a copy to you/Bob Rothberger by fax. We contemplate filing this Decision, with its legal consequences with the Court shortly and with your own decision as to the requested "waiver".

Michael A. Cornman

Pharmaceutical Patent Attorneys
www.LicensingLaw.Net

55 Madison Avenue, 4th floor
Morristown, NJ 07960-7397 USA

Practice limited to Domestic & International
Pharmaceutical Patent law and licensing

11 November 2003

Michael A. CORNMAN, Esq.
Schweitzer & Cornman
292 Madison Avenue, 19th floor
New York, NY 10017
Facsimile (646) 424-0880
BY FACSIMILE

Re: Goen Seminars v. Gorayeb Seminars

Dear Mr. Cornman :

Many thanks for your email offer to waive the two-month waiting period for the Reissue application. I enclose for your signature a consent; please return the executed copy to me at your earliest convenience.

Thanks in advance for your prompt attention to this matter.

Sincerely,


Mark Pohl, Esq., USPTO Reg. No. 35,325
+1 (973) 984-0076
Mark.Pohl@LicensingLaw.Net

Mbc:mp
Enclosure

CO:\MD\Letterhead.doc

Pharmaceutical Patent Attorneys LLC, Pohl & Assoc.
Telecopier +1 (973) 984 6159



FILE COPY

IN THE UNITED STATES PATENT OFFICE

Inventor : Alexander G. SZYNALSKI
Serial No. : 10/613,590
Patent No. :
Filing Date : 30 June 2003
Title : Stop Smoking Methods and Compositions
Group Art : 3626
Examiner :
:

5 Commissioner of Patents
Post Office Box 1450
Mail Stop: Petition / Fee
Alexandria, VA 22313-1450

10

COMMUNICATION

The undersigned is counsel for Gorayeb Seminars, Inc. and Ronald Gorayeb.

15 The undersigned, having already filed whatever protest it deems appropriate, hereby: (1) consents on behalf of Gorayeb Seminars, Inc. and Ronald Gorayeb to the patent owner filing a Petition to waive the two-month public notice period provided in M.P.E.P. § 1441; and (2) waives any objection Gorayeb Seminars, Inc. or Ronald Gorayeb might have to such Petition.

20 Respectfully submitted,

25 SCHWEITZER, CORNMAN, GROSS & BONDELL, LLP
By Michael A. CORNMAN, Reg. No. 20,627
11 November 2003

SCHWEITZER CORNMAN GROSS & BONDELL LLP
ATTORNEYS AT LAW

PATENT TRADEMARK AND COPYRIGHT MATTERS

292 MADISON AVENUE
NEW YORK NY 10017

TELEPHONE (646) 424-0770
TELEFAX (646) 424-0880



November 13, 2003



BY EXPRESS MAIL

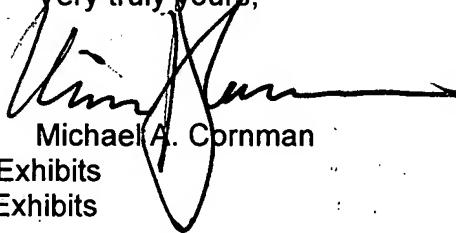
Mark Pohl, Esq.
Pohl & Associates
55 Madison Avenue, 4th Floor
Morristown, NJ 07960-7397

Re: A. Goen Seminars Institute, Inc. v. Gorayeb Seminars, Inc., et al.
Civ. 03-1051(KSH)
Our File 1748-000

Dear Mr. Pohl:

Returned herewith, as you requested, is the signed consent to Goen's seeking waiver of the two month protest period. You have correctly noted that we have already filed whatever protest we deem appropriate (copy enclosed). Accordingly, please file your papers immediately and provide us copies as ordered by the Court.

Very truly yours,


Michael A. Cornman

MAC:mlc

c: Edward R. Weingram, Esq. w/enclosures; w/o Exhibits
Robert J. Rohrberger, Esq. w/enclosures; w/o Exhibits



IN THE UNITED STATES PATENT OFFICE

Inventor	Alexander G. SZYNALSKI
Serial No.	10/613,590
Patent No.	
Filing Date	30 June 2003
Title	Stop Smoking Methods and Compositions
Group Art	3626
Examiner	

5 Commissioner of Patents
Post Office Box 1450
Mail Stop: Petition / Fee
Alexandria, VA 22313-1450

10

COMMUNICATION

15 The undersigned is counsel for Gorayeb Seminars, Inc. and Ronald Gorayeb.
The undersigned, having already filed whatever protest it deems appropriate,
hereby: (1) consents on behalf of Gorayeb Seminars, Inc. and Ronald Gorayeb to the
patent owner filing a Petition to waive the two-month public notice period provided in
M.P.E.P. § 1441; and (2) waives any objection Gorayeb Seminars, Inc. or Ronald
Gorayeb might have to such Petition.

20 Respectfully submitted,

25 SCHWEITZER, CORNMAN, GROSS & BONDELL, LLP
By Michael A. CORNMAN, Reg. No. 20,627
11 November 2003



FILE COPY

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alexander Szynalski

Reissue Application No. 10/613,590

Filing Date: June 30, 2003

For: STOP SMOKING METHOD AND COMPOSITION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PROTEST UNDER 37 C.F.R. 1.291(a)
(OG Publication Date: October 21, 2003)

SIR:

The undersigned attorney, on behalf of Gorayeb Seminars Inc., Gorayeb Nutritional Products, and Ronald Gorayeb, all named defendants in pending litigation asserting infringement of U.S. patent 6,431,874, protests the allowance of any of the original claims 1-8 (which claims were misprinted), all of which are properly limited to "lobelia" in limitation "(C)" of claims 1 and 3 as shown in PTO Decision of October 29, 2003 (Exhibit 1 hereto).

The '874 "inventions" of the claims as allowed are anticipated under §102 and/or would have been obvious under §103, in view of the prior art "Gary Method" public uses, public sales, offers for sale, and publications documented in the Shira Block Declaration (Exhibit 2 hereto), in conjunction with patent applicant's admission in paragraph 52 of its "Answer to Counterclaim" in the litigation (Exhibit 3 hereto) "that Gary provided education and hypnosis." (Note: MPEP §2258F(1) provides that "an admission by the patent owner of record in the file or in a court record may be utilized in combination with a patent or printed publication). Applicant was requested to provide this information in a meaningful fashion to the USPTO in both its request for reissue

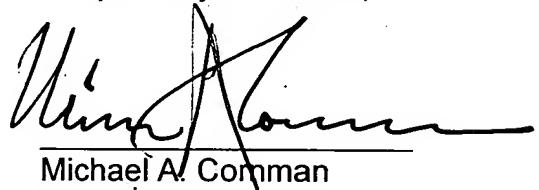
and its request for reexamination (see Exhibit 4 hereto). Applicant did not; rather it buried the pertinent Gary materials, the pertinent Goen materials, and the pertinent Gorayeb materials among thousands and thousands of pages of irrelevant and nonmaterial documents in violation of Patent Office Rules and practice.

The '874 patent claims are also not allowable over the information contained in Exhibit 5 hereto, "Submission of Prior Art Under 37 C.F.R. 1.501."

It is requested that the subject reissue application (and the related reexamination application) be acted upon and rejected with "special dispatch."

Schweitzer Cornman
Gross & Bondell LLP
292 Madison Avenue
New York, NY 10017
(646) 424-0770
CUSTOMER NO. 022831

Respectfully submitted,



Michael A. Cornman
Attorney for Protectors
Registration No. 20,672

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

Express Mail No. EL992957395 US

Date: November 13, 2003



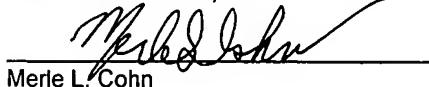
Merle L. Cohn

Certificate of Service on Applicant's Attorney

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail in an envelope addressed to: Mark Pohl, Esq.,
Pohl & Associates, 55 Madison Avenue, 4th Floor, Morristown, NJ 07960-7397, on the date indicated below.

Express Mail No. EL719409119US

Date: November 13, 2003



Merle L. Cohn



UNITED STATES PATENT AND TRADEMARK OFFICE



AUG 20 2003

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 27

In re United States Patent

Number: 6,431,874

Patentee: Alexander Goen Szymalski

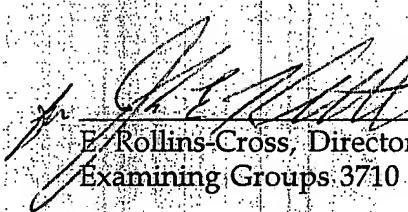
Issue Date: August 13, 2002

For: Stop Smoking Method and
Composition

COMMUNICATION REGARDING
PRIOR ART CITATION
UNDER 37 CFR 1.501

This communication acknowledges the filing by facsimile transmission on August 12, 2003 of a paper styled as "Submission of Prior Art Under 37 C.F.R § 1.501", and the filing by facsimile transmission, also on August 12, 2003, of a paper styled as "Substitute Submission of Prior Art Under 37 C.F.R § 1.501." The submissions will be reviewed in due course for compliance with the requirements of 37 C.F.R. § 1.501, and each will be entered in the patented file if determined to be a proper citation.

Information regarding the status of the review of the prior art submissions, or questions regarding the procedures for review of the submission should be referred to Stephen Marcus, Special Program Examiner at (703) 308-3872.


E. Rollins Cross, Director, Patent
Examining Groups 3710 and 3720

Mark Pohl
55 Madison Avenue 4th Floor
Morristown, NJ 07960

cc: Schweitzer Cornman
Gross & Bondell, LLP
292 Madison Avenue
19th Floor
New York, NY 10017

PTO/SB/51 (05-03)

Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

A Goen Seminars

As a below named inventor, I hereby declare that:
 My residence, mailing address and citizenship are stated below next to my name.
 I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is described and claimed in patent number 6,431,874, granted 08/13/2002, and for which a reissue patent is sought on the invention entitled Stop Smoking Methods & Compositions

the specification of which

 is attached hereto. was filed on 30 June 2003 as reissue application number 10/613,590and was amended on 30 June 2003
(If applicable)

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any

amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in
37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

 by reason of a defective specification or drawing. by reason of the patentee claiming more or less than he had the right to claim in the patent. by reason of other errors.

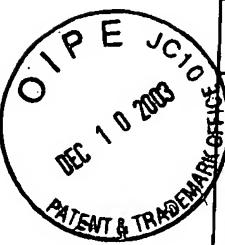
At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

I claimed less than I had a right to claim. This is a broadening reissue, because I here apply for claims covering sub-combinations depending from my originally-granted claims, and because I here apply for literal coverage of subject matter equivalent to subject matter recited literally in the claims.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/51 (05-03)

Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)

A Goen Seminars

All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant. As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith.

Name(s) Registration Number

Correspondence Address: Direct all communications about the application to:

 Customer Number

Type Customer Number here

→

Place Customer Number Bar Code Label here

<input type="checkbox"/> Firm or Individual Name				
Address				
Address				
City		State	Zip	
Country				
Telephone		Fax		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

Full name of sole or first inventor (given name, family name)		Alexander G. SZYNALSKI
Inventor's signature	Date as of 25 Nov. 2003	
Residence	Citizenship U.S.A.	
Mailing Address c/o The TrimSpa Corporation, 8 Ridgedale Avenue, 2nd floor, Cedar Knolls NJ 07927		
Full name of second joint inventor (given name, family name)		
Inventor's signature	Date	
Residence	Citizenship	
Mailing Address		
Full name of third joint inventor (given name, family name)		
Inventor's signature	Date	
Residence	Citizenship	
Mailing Address		
<input type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.		